



NORTHAMPTON
M a s s a c h u s e t t s

**ADA Self-Evaluation & Transition Plan
and
Section 504 Plan**

**Prepared: Northampton Disability Commission and Northampton Office of Planning & Sustainability
Adopted: Mayor David J. Narkewicz (10/2/2020)**

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Introduction and Purpose

This report proposes to serve the residents of Northampton with disabilities by renewing the City’s commitment to compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. It makes recommendations to the Mayor, the City Council, and other departments to strengthen the City’s capacity of providing equal access of people with disabilities in public programs, services, and activities.

Ten priority recommendations are summarized below and discussed in greater detail later in this report. They are the outcome of extended reviews by the Disability Commission and the ADA Coordinator. The recommendations show how to effectively integrate the antidiscrimination requirements of the ADA and Section 504 into the operations of the City’s municipal programs, activities, services, and facilities. Specific facilities are highlighted that are the biggest barrier to people with disabilities, such as the City Hall Hearing Room and Council Chambers.

The School Department has their own Section 504 Coordinator who is responsible for ensuring that school department

programming and education efforts are in compliance with ADA, Section 504, and other applicable standards. Those issues are not addressed in this plan.

In recent years, the City has committed extensive resources to addressing the needs of those with disabilities. In just the last three years, for example:

- Assess city policies and programs (Massachusetts Office on Disability grant)
- Improve the accessibility of the pedestrian environment around City Hall, Municipal Annex, Pulaski Park, the crosswalk to the east side of Main Street (MOD grant, handicap parking revolving funds, and community donations)
- Add an accessible water fountain and an electric wheelchair charger, at Pulaski Park and City Hall respectively (City funds)
- Assess the accessibility needs at recreation areas (Massachusetts Health grant)
- Assess the accessibility needs at a planned community and resilience hub (Massachusetts Health grant)
- Add wheelchair ramps at streets and bike paths all over the City (CDBG, City capital improvement, and traffic mitigation funds)
- Plan for accessibility improvements at Bridge Street School, the school area with the highest concentration of low income students (Massachusetts Safe Routes to School)
- Add an accessible access to the MassCentral Rail Trail to replace in accessible trail (MassDOT Complete Streets)
- Replace the final gravel sections of the MassCentral Rail Trail with a paved accessible trail (MassTrails, Land and Water Conservation Funds, and CPA funds)
- Replace a one mile non-accessible earthen trail with an accessible paved trail at Burts Bog Greenway (Land and Water Conservation Funds and CPA funds)
- Improved the accessibility of the City's website (City funds)

Priority Recommendations

The following recommendations lay out a broad scope of work to be carried out over the next few years by the City.

1. Designate the ADA Coordinator to also serve as the Section 504 Coordinator and position it in the Office of Planning & Sustainability, which has been charged with many of the bricks and mortar accessibility projects, to provide the necessary commitment of resources to be effective, while working with the Building Commission to carry out essential ADA/Section 504 reasonable accommodation and compliance functions.
2. Work with DPW and seek other funds to continue the City's progress in increasing the procedures and standards for responding in a timely way to requests for installation of wheelchair curb cuts, fully accessible crosswalks, or repair of deteriorated walkways.

3. Adopt procedures and standards for providing reasonable modifications to policies and procedures.
4. Define procedures, standards, and time frames for handling ADA related grievances, conducting reasonable accommodations assessments to inform decisions regarding undue burden, undue hardship, and fundamental alteration as limits to ADA obligations. Include staff training so that staff understands the City's roles and responsibilities.
5. Promote snow removal procedures to minimize interruption to accessible pedestrian routes in winter weather. Enforce procedures on noncompliant owners when necessary.
6. Strengthen enforcement of parking rules to ensure that public walkways are not blocked by commercial, municipal, or privately operated vehicles.
7. Strengthen effective communication procedures, technology, and resources available upon request. These can include sign language interpreter services, expanded captioning of City Council and School Committee meetings, acquiring assistive listening systems, subtitle system, and the training of City staff.
8. Provide code compliant accessible parking in the public garage, surface lots, and on-street locations.
9. Improve the accessibility of parks and open spaces as identified in the Open Space & Recreation Plan and the Self-Evaluation Report.
10. Ensure bathroom facilities at public meeting locations and public emergency shelters are fully accessible.

The ADA and Disability Rights Law

The ADA was enacted in 1990 by overwhelming majorities in both Houses of Congress. It was the most far-reaching extension of civil rights protections following the Civil Rights Act of 1964. Signed into law by President George Herbert Walker Bush on July 26, 1990 to the refrain, "Let the shameful walls of exclusion . . . come tumbling down," the ADA set the capstone to a sweeping revision of national disability policy driven by the integration imperative over the second half of the 20th century.

Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, the Civil Rights Restoration Act, and the Fair Housing Act Amendments are all part of the broad framework of antidiscrimination protections, rooted in the 14th amendment guarantees of equal opportunity and equal protection, that now covers persons with all forms of physical, mental, sensory, developmental, neurological, and psychological disabilities.

Title II, the section of the ADA that defines the obligations of the City of Northampton is based on the compliance framework of Section 504 of the Rehabilitation Act that has been in effect since 1977. The protections provided to people with disabilities

under Title II are equal to those provided by Section 504. Public entities are required to have both a Section 504 evaluation and an ADA evaluation. The Title II regulations published by the US Department of Justice in January of 1992 extended and clarified disability rights obligations, most notably in the area of effective communications and information technology. These core obligations were addressed by the City when it adopted its initial ADA Compliance Plan in January of 1995 had been in effect for more than fifteen years.

The 1995 Plan included a general access assessment of 19 municipal buildings and facilities including eight public schools. Each was assigned to one of four categories: *largely accessible, partially accessible, partially inaccessible and largely inaccessible*. The Plan also addressed some policy and procedural areas that fall under Title II requirements, but the scope was incomplete. The original compliance planning effort was not only limited in scope and detail, but also some of the policy areas addressed, such as the commitment to providing sign language interpreters and assistive listening systems, have eroded over time. While substantial progress has been made in the 25 years since the compliance plan was adopted, it is also clear that much remains to be done.

Self-Evaluation Review and Update

The Disability Commission was aware that the ADA Compliance Plan was outdated in 2016. Several incidents, described below, made it clear that the City needed to reinvigorate its commitment to reducing operational, structural, and communication barriers that limit the participation of people with disabilities in the life of the community. The historic importance of disability issues to this community cannot be overstated. From the renovated buildings on Hospital Hill to the Clarke School for Hearing and Speech, the Northampton Senior Center, the Salvo and McDonald Houses, the Veterans' Administration Hospital, the Hampshire County House of Corrections, and even within the gates of Smith College, there is ample evidence that the community of persons with disabilities who live, work, and visit in Northampton is extraordinarily large and heterogeneous.

The City received a \$10,000 planning grant from MOD in 2017 and consultants were brought in to conduct interviews and accessibility surveys (see appendices). The Mayor met with the ADA Coordinator and representatives of the Commission to resolve a number of issues including restructuring the ADA Coordinator position. The Mayor also convened a meeting of department heads and senior municipal staff at which an overview of Title II requirements and the assessment process were presented. This ADA Self-Evaluation and Transition Plan Update is comprehensive and includes the areas required by Section 504, so a separate Section 504 Study is not needed.

ADA Title II and Rehabilitation Act Section 504 Requirements

The assessment procedures followed by the Commission are based on the compliance planning framework of the ADA Title II Action Guide, a technical assistance manual funded by the National Institute on Disability and Rehabilitation Research of the U.S. Department of Education that identifies five administrative actions required of all state and local government entities. Title II of the ADA applies to state and local governments such as the City of Northampton. Section 504 applies to the City of

Northampton as a recipient of federal and state funding.

1. Appoint an ADA/Section 504 Coordinator responsible for overseeing and coordinating all compliance activities.
2. Provide Public Notice of rights and protections under the ADA and how the entity meets its obligations.
3. Adopt and administer a Grievance Procedure for prompt and equitable resolution of complaints and disputes.
4. Conduct a comprehensive review, or Self-Evaluation of policies and procedures in four functional areas:
 - Program and Facility Accessibility
 - Non-discriminatory Operation of Programs and Services
 - Effective Communication & IT Accessibility
 - Equal Employment Opportunity
5. Adopt and carry out a Transition Plan of structural and non-structural barrier removal solutions.

Findings and Recommendations

1. Restructure ADA/Section 504 Coordinator Position

The position of ADA Coordinator as defined at the start of the ADA Transition Plan process was not sustainable. Duties for ADA were divided between the Mayor's office (Section 504), the Office of Planning & Sustainability (grant and CDBG funded accessibility improvements), and the Senior Services (ADA Coordinator), making it infeasible to build the knowledge of disability law and policy, federal and state accessibility standards, and the rapidly developing field of accessible information technology. The City is required to also designate a Section 504 Coordinator by law, since it has over 15 staff. Since a Section 504 Coordinator and an ADA Coordinator have many similar responsibilities, the ADA Coordinator should be amended to include both roles. The restructured ADA/Section 504 will also be responsible for creating and implementing the training of City staff regarding accessibility technology and City ADA procedures.

Over the past several years, demands have increased on the Coordinator's position to respond to a wide range of issues and concerns presented to the Disability Commission. Discussions with the Mayor identified sharing the ADA/Section 504 Coordinator position with one or more nearby communities as a potential solution. It is an idea that should be researched further and if not feasible, an alternative developed. Any solution is going to require a substantial investment of time and resources.

2. Work with the DPW and find additional funds for responding to requests for installation of wheelchair curb cuts, fully accessible crosswalks, and repair of deteriorated walkways.

The City's pedestrian environment is seriously deteriorated in places, and has resulted in hazardous infrastructure in some places, as is illustrated in the following incident reported to the Commission:



During the reconstruction of Pleasant Street walkways access routes used daily by a resident of the neighborhood was blocked.



She was unable to negotiate steep and deteriorated asphalt walkways on Hawley Street on her detour. She was hit and knocked out of her chair by a car. Her bodily injuries were less severe than the damage to her wheelchair which had to be replaced,

The Disability Commission believes a flexible problem-solving procedure is needed under which the ADA/Section 504 Coordinator will receive and evaluate requests or complaints like this from qualified individuals, households, and organizations.

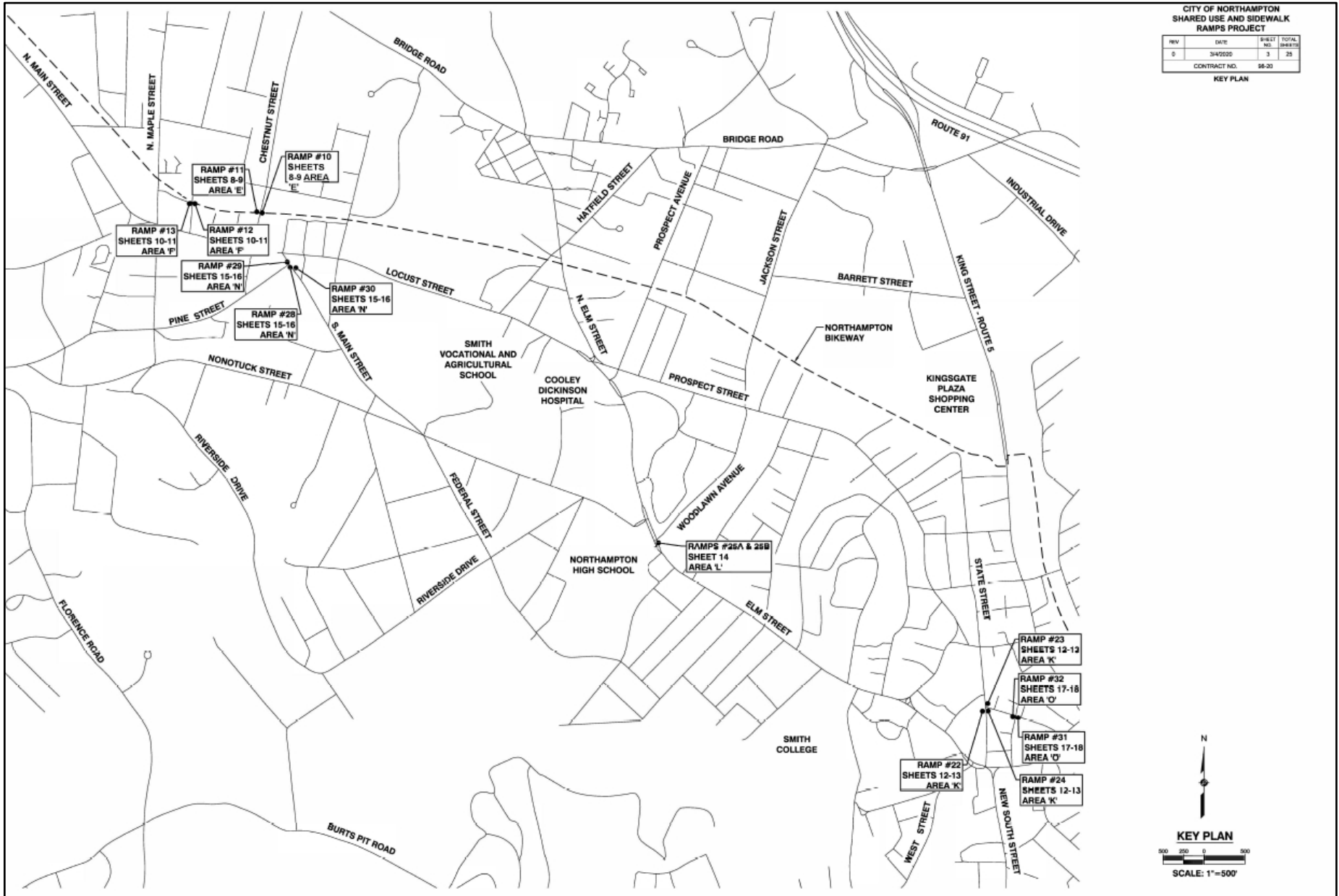
All of the City's public sidewalks and wheelchair curb cuts were inventoried and prioritized for repair using a methodology by a team of consultants in 2018 (Alta Design), that should be the starting point for any accessibility project. The Coordinator should work with appropriate City departments to develop a rehabilitation plan and appropriate funding to make necessary repairs or improvements in a timely way to ensure that pedestrian routes are safe and compliant. The City expanded its efforts to fix non-compliant wheelchair curb cuts in 2020 (pictured on following page).

Additionally, some high-volume crossings are dangerous and could be made safer from a combination of audible signals, curb extensions, and better markings.

Examples of crossings that were identified as particularly dangerous:

- West Street

- Green Street
- Bridge Street by Lampron Park/Bridge Street School



Shared Use Paths and Sidewalk Wheelchair Ramp Cuts completed in summer 2020.

3. Adopt procedures and standards for providing reasonable modifications to policies and procedures.

Title II uses the term “reasonable modification” for the operation of public programs as the functional equivalent to “reasonable accommodation” in employment. Differentiation of the two terms is important as different bodies of case law and regulatory guidance now apply. These accommodations could be the use of technology such as assistive listening devices, the contracting of people such as sign language interpreters, or meeting presenters describing photos verbally for people who are blind or distributing large print handouts for people who have low vision.

Procedures that should be carried out for every public meeting, regardless of any request should be the reserving of two to four seats at the front for people who hard of hearing or have low vision. Additionally, at least two wheelchair seating positions should be reserved, where two chairs have been removed for each seating position. One of these should be in the front and one should be in the back of the meeting room. All aisles should be 60” min. across.

4. Define procedures and standards for decision making regarding undue burden, undue hardship, and fundamental alteration, and fundamental alteration as limits to ADA obligations.

Decision making regarding limits to the City’s obligations to carry out a requested compliance related action must be made on the basis of one of three legal defenses: undue hardship, undue burden, or fundamental alteration. The City has adopted a grievance procedure using language recommended by the MOD to resolve conflicts and disputes arising in relation to allegations of discrimination based on disability. A revised grievance procedure is recommended to define time frames for evaluating complaints and applying an appropriate response within specific time frames and providing for an appeal to the Mayor as needed. Include staff training so that staff understands the City’s roles and responsibilities.

5. Promote snow removal standards to minimize interruptions to accessible pedestrian routes in winter weather. Enforce procedures on noncompliant owners when necessary

Each year access routes in both commercial and residential areas of the City are disrupted by snowstorms. A common complaint heard by the Commission is that clearing of walkways is often delayed and frequently inadequate. Inadequately cleared pathways are often too narrow for use by wheelchairs or scooters, and surface icing presents hazards to everyone.

In commercial districts, prompt clearing of access routes, curb cuts, and crosswalks should be elevated as a priority, and effective standards and techniques for clearance should be promoted. In residential areas, homeowners should be made aware of their obligations to clear sidewalks. In situations when homeowners are physically unable to comply and contractor

services pose a financial hardship, linkages with volunteer networks should be explored. Concerns have also been expressed that plowing of roadways should be carried out in ways that avoid, whenever possible, redepositing of snow onto already cleared sidewalks.

6. Strengthen enforcement of parking rules to ensure that public walkways are not blocked by commercial, municipal, or privately operated vehicles.

Several complaints have been brought to the Commission regarding blockage of sidewalks by vehicles in a number of locations, most frequently at the intersection of a gas station apron and adjacent sidewalk on King Street near the Hotel Northampton.



Delivery trucks blocking access to the sidewalk.

7. Strengthen effective communication procedures, technology, and resources available upon request.

Northampton is home to a large deaf and hard of hearing population. Engagement of these persons in the political and cultural life of the City has been severely limited by inadequate and undependable communications services and technology, including sign language interpretation, sound amplification, lack of captioning of cable broadcasts, and inadequate information technology accessibility. Therefore, the City should purchase of assistive listening and expanded captioning for the City Council Chambers, City Hall Hearing Room, and the Senior Center Great Room where in-person meetings will be occurring and to develop the process of enlisting sign language interpreters to ensure that people who are deaf or hard of hearing can participate in City functions. The training of City staff on these devices will be important to their effectiveness at helping the community.

A deaf resident came before the Commission seeking a solution to a hazardous traffic condition at his home. The issue had been long standing, and among the reasons for the delay was that a sign language interpreter or other reasonable accommodation had not been offered in a meeting with a City department the previous year. The Disability Commission discovered that there was no procedure in place for providing sign language interpretation. A year elapsed during which the deaf resident vacated and rented his home before a meeting was conducted with a sign language interpreter present that led to a site visit to identify a solution.

This incident demonstrated two interrelated needs. First, effective communication procedures, resources, and technology are needed to ensure that people with limited hearing, vision, speech, and information processing skills are able to participate fully in City events, including the democratic process. Second, City staff, elected officials, and volunteers need to be trained in how to provide and effectively participate in a multi-modal, effective communication environment.

Effective communication is addressed in the policy recommendation section in Appendix A.

- Develop and implement procedures for securing sign language interpreter services or other accommodation when needed to communicate with individuals who are deaf. The procedures could include, for example the identification of at least three freelance interpreters who work in the area, timeframes for responding to requests for interpreter services, and at least one source for on-call interpreter services to be used in urgent situations.
- Purchase assistive listening systems. Clarify procedures for providing such assistive listening systems at City Council, City Hall Hearing Room, and the Senior Center Great Room, as well as other public meetings.
- Train City staff on the use and maintenance of the assisted listening systems.
- Work with cable access TV to strengthen real-time and after meeting captioning of key videos upon request.
- Promote the use of best practices in information technology accessibility on the City website (see preliminary report Appendix B).
- Train City staff on proper protocols for presenting at meetings for people who are blind, such as describing images and presentation materials verbally or providing alternative formats

8. Provide code compliant accessible parking in the public garage, lots, and on-street locations as identified in the City's Self-Evaluation plan

Reserved accessible (HP) spaces in the public garage located near the base of the ramp to Thorne's Market are on surfaces with slopes that substantially exceed the maximum allowed by accessibility codes. Some spaces in parking lots designated accessible are not configured with access aisles. Some parking kiosks are not mounted within compliant reach ranges. The installation of electric car charging stations must also be carried out in a way that provides equal opportunity for persons with disabilities to benefit.

Actions items needed include:

- Provide at least one van accessible space in the municipal garage
- Re-mark spaces designated accessible in City lots that do not have required access aisles
- Ensure that parking kiosks are on accessible routes and mounted within accessible reach ranges
- Provide accessibility to a reasonable number of electric car charging stations

9. Improve the accessibility of parks and open spaces as identified in City’s Open Space & Recreation and Self-Evaluation plans

- Reduce tripping hazards and obstacles on pedestrian pathways in parks and recreation areas
- Install accessible seating extensions on at least one picnic table in each recreation area, for all recreation areas with picnic tables
- Install electrical charging devices usable by power wheelchairs and scooters in at least two downtown locations (City Hall and one other location).

10. Ensure bathroom facilities at public meeting locations and public emergency shelters are fully accessible.

Council Chambers is a focal point of the City’s commitment to democratic process and citizen participation. The public process is often time-consuming. So, the availability for fully accessible toilet rooms is essential, but toilet rooms on the upper level of the Annex (Council Chambers) are noncompliant or missing access elements.

APPENDIX A

Policy Recommendations

In any circumstance, when in the opinion of the ADA/Section 504 Coordinator, a reasonable accommodation request, modification, or other action in fulfillment of the City's obligation under Title II of the ADA or Section 504 of the Rehabilitation Act of 1973, may involve an undue financial or administrative burden or hardship, or a fundamental alteration to a program, service or activity, the Coordinator will refer the request to the Mayor for a final decision, and will assist the Mayor in documenting the reason for acceptance or denial of any such request.

ADA Grievance Procedure

The City established its grievance procedure in 2017 to meet the requirements of Title II of the *Americans with Disabilities Act*. Disabled individuals or their authorized representatives who believe that they have been discriminated against on the basis of disability in employment, or the provision of services, activities, programs or benefits, are encouraged to use the procedure to bring their complaints to the attention of the City of Northampton.

The City should amend the current policy to:

- Reflect the updated name, office, contact information for the new ADA/Section 504 Coordinator or to reflect any new policy procedures identified in this plan
- State that complaints should be submitted in writing or on any widely available audio recording format to the ADA/Section 504 Coordinator named below
- Update procedure should be signed and posted accordingly

ADA/Section 504 Coordinator: Keith Benoit, kbenoit@northamptonma.gov

Mayor David J. Narkewicz, mayor@northamptonma.gov

Reasonable Modification Policy

A *Reasonable Modification* Policy embodies an essential principle underlying Section 504 of the Rehabilitation Act of 1973, to not discriminate on the basis of disability. *Reasonable modification* according to the United States Dept. of Housing and Urban Development (HUD) is when a City responds to requests from people with disabilities to address, mitigate, and wherever possible eliminate accessibility barriers to housing for programs that receive HUD funding. HUD defines *reasonable accommodations* as changes, exceptions, or adjustments to existing rules, policies and procedures necessary to overcome operational barriers to full participation in public programs, services and activities by people with disabilities.

HUD and the ADA use the words reasonable ‘modification’ and reasonable ‘accommodation’ differently. As stated previously, HUD defines reasonable modification as generally a physical barrier removal, while reasonable accommodation are changes to policy and programs to make them accessible to people with disabilities. According to the ADA, reasonable accommodations are any changes to the application process for a job, the way the job is done, and the work environment that allows the person with a disability to perform the job. The City’s Reasonable Modification Policy should combine HUD’s definition of modification and accommodation, while leaving the ADA reasonable accommodation intact as its own policy.

The City should:

- Create, sign, and post Reasonable Modification Policy and Procedures so that citizens can respond with requests for removal of accessible barriers or policies
- Consider having one policy notice for HUD reasonable modifications and reasonable accommodations, making distinction between the ADA use of the term
- Policy should affirm the City’s commitment to not discriminate on the basis of disability status in housing
- Ensure that policy states that the City will comply with request unless it can be demonstrated that the requested modifications would impose an undue burden upon the City or require a fundamental alteration to the program, activity, or service

Reasonable Accommodation Policy

According to the ADA, reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Accommodations are considered “reasonable” if they do not create an undue hardship or a direct threat.

The City should:

- Create, sign, and post their Reasonable Accommodation Policy and Procedures so that citizens know the City’s

commitment to respond to requests for removal of barriers to their work

- Requests for reasonable accommodations should be made to the ADA/Section 504 Coordinator verbally or in writing. The ADA/Section 504 Coordinator will ensure that requests are responded to appropriately and in a timely fashion
- Ensure that policy states that the City will comply with request unless it can be demonstrated that the requested accommodations would impose an undue burden upon the City or require a fundamental alteration to the program, activity, or job

Final Decisions

Final decisions regarding requests for reasonable modifications or accommodations that, in the opinion of the ADA/Section 504 Coordinator, may represent an undue burden or fundamental alteration should be made by the Mayor whenever possible within 10 working days of receipt of the request.

Non-Discrimination Policy

Title II of the ADA requires that programs that receive significant financial or in-kind assistance from the City, including the use of municipal buildings or facilities, not discriminate against persons with disabilities.

The City should consider amending the current policy so that the ADA/Section 504 Coordinator will:

- Inform organizations that receive significant financial or in-kind assistance from the City of their obligations not to discriminate against persons with disabilities
- Provide guidance on the extent of these obligations and how they can be met
- Investigate situations in which discrimination may have occurred and to take corrective action or to recommend to the Mayor termination of assistance
- Consider amending to also include language that reasonable accommodations will be made for people with disabilities in their hiring and employment
- Consider amending to also include housing non-discrimination language

Effective Communication

Title II requires that communications services and technologies be provided to otherwise qualified persons whose disabilities affect vision, hearing, or speech, or information processing unless to do so would result in an undue financial or administrative burden or in a fundamental alteration to the program. The City of Northampton currently has only a partial effective communication policy in the 1995 Compliance Plan, but no specific procedures ensuring that effective communication obligations are met.

The City should adopt a policy that:

- Provides auxiliary aids and services when necessary to ensure effective communication with persons whose disabilities

affect communication. Persons with communications disabilities or their authorized representatives will be given the opportunity to request the aid or service that they prefer and the preferred aid or service will be given primary consideration. The preferred means of communication or an effective alternative means of communication will be provided unless to do so would impose an undue burden or fundamental alteration

- Requests for auxiliary aids or services should be made verbally or in writing to the staff conducting the program. Unless otherwise specified, the City should ask that requests be made at least 10 days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice
- The person requesting the service should be notified as soon as possible if the City is unable to meet a request or if an alternative device or service is being offered.

The following sections are subsets of the Effective Communication policy and should be adopted by the City.

Provision of Alternative Formats

- Documents, publications, and program materials should be made available when needed in alternate formats
- Digital media that can be machine read is the easiest way to provide alternative formats. Departments should prepare Braille, large print, audio recordings, and digital media as need to provide public access and requests.
- A request identifying the materials needed and the preferred alternate format should be made verbally or in writing to staff conducting the program and the ADA/Section 504 Coordinator at least 10 working days in advance of the program or activity. Reasonable effort will be made to respond to requests made less than 10 days prior to an event or activity
- Primary consideration will be given to the format preferred by the person making the request, and the City will decide whether to provide the preferred format or an effective alternative. All materials will be provided at no charge
- If a request cannot be met, the person making the request will be informed as soon as possible but at least 2 days in advance of the event or activity

Sign Language Interpreter Services

- Sign language interpreters or other interpretation formats will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity of the City
- Requests should be made at least 20 working days in advance of the scheduled event or meeting, but reasonable effort will be made to meet requests made on shorter notice. Requests should be made either verbally or in writing to the staff conducting the program and the ADA/Section 504 Coordinator
- The City will make reasonable efforts to contact and schedule an interpreter
- If an interpreter cannot be scheduled, the staff conducting the program will offer an alternative effective form of communication or the opportunity to postpone the meeting until a time when as an interpreter is available

Assistive Listening Devices

- Sound amplification, for large meeting rooms, and assistive listening devices be made available for use at public meetings and other activities open to the public when requested
- Assistive listening devices or other available translation devices will be provided upon request to persons with impaired hearing when needed to participate in programs and activities.

Video Captioning

- Video materials produced by or on behalf of the City should be captioned using automatic captioning software. Key documents should have more accurate captioning added when feasible.

APPENDIX B

Accessibility Surveys of Key Buildings

November 2018

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- City Hall
- Municipal Offices Annex
- Memorial Hall
- Parks and Recreation
- Parking Garage
- Smith Vocational -- Emergency Shelter
- *Pedestrian Environment* separate document in progress

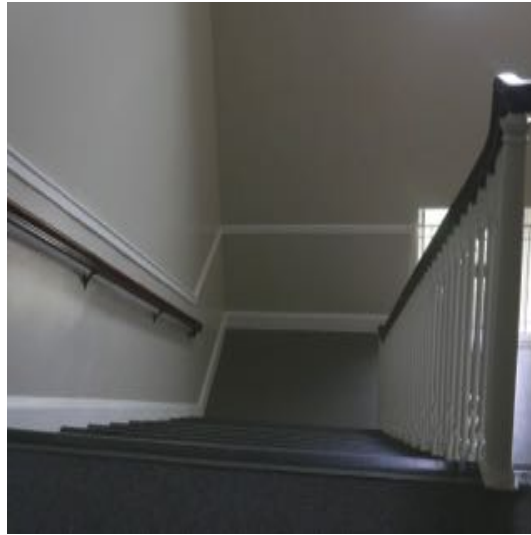
City Hall

Houses: Mayor's Office, Planning & Sustainability, City Clerk, City Council, City Auditor

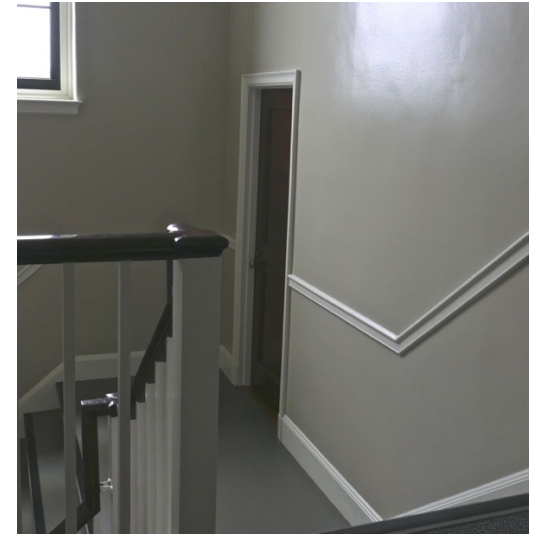
Entrances	Basement level accessible entry with power door opener Tripping hazard at first floor entry vestibule
Vertical Circulation	Elevator provides access to three floors; stairwells not equipped with compliant handrails
Horizontal Circulation	Non-compliant door hardware (knobs not levers)
Toilet Rooms	Public toilet rooms are on basement level; men's room mirror mounted high
Drinking Fountains	Non-accessible high fountains, no low fountain in building
Signage	Signs on toilet room door faces not, as required. on sidewall



Trip hazard at front entry threshold



Main stairs with noncompliant handrails



Non-compliant handrails on all stairs



Noncompliant door hardware,
knob handles



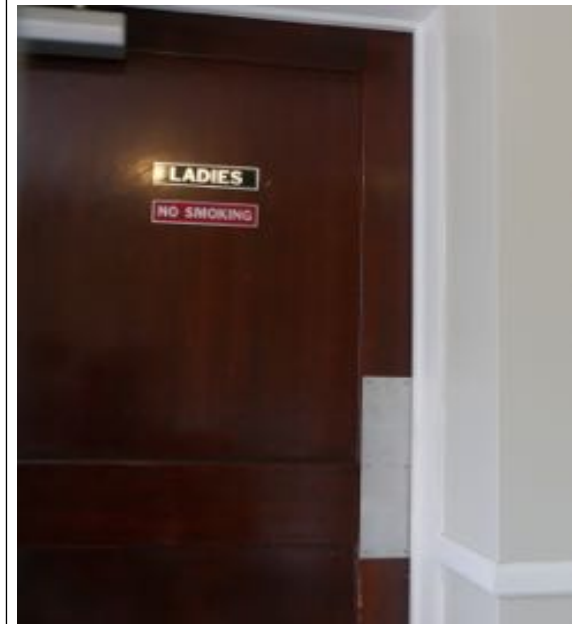
No low drinking fountain in building



Men's restroom mirror mounted high



Restroom sign mounted on door face



Restroom sign mounted on door face

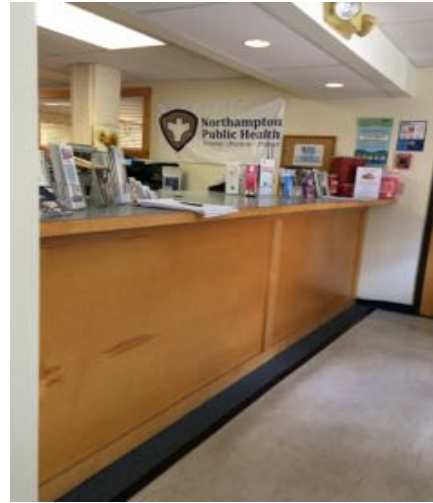
Municipal Offices (Annex)

Houses: Parking Clerk, City Clerk, Council Chambers, Northampton Public Schools, Building Department, and Health Department

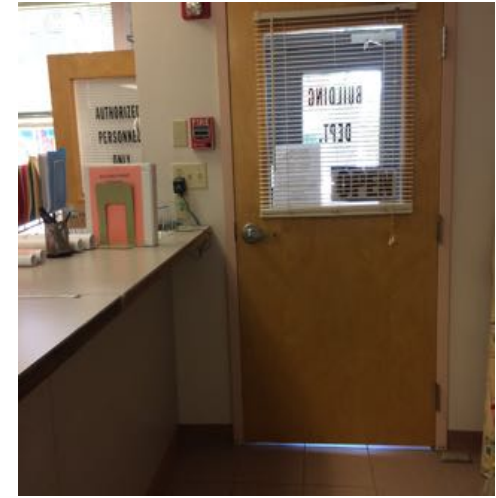
Entrances	First floor entry vestibule & door clearances not compliant. One third floor entrance does have automatic door openers. <i>Note: The third floor is level with the Main St. street level and has direct access to the parking lot.</i>
Vertical Circulation	Elevator (4'-6" x 5'-9" car) provides access to three floors - controls (51") exceed max. reach range
Horizontal Circulation	Protruding fire alarm box at council chamber entry has no cane detectable warning No accessible transaction counters at Parking Clerk, Board of Health & Building Department Door clearance (1'-5") on pull side to Parking Clerk, 1'-1" at Building Dept.
Toilet Rooms	3rd floor: stall door hardware not compliant; centerline of toilet exceeds 18"; no rear grab bar; toilet paper mounted high; sink pipe not insulated & knee clearances inadequate; dispensers & shelf out of reach; urinal not compliant
Drinking Fountains	No accessible fountain
Signage	No accessible entry sign at 3rd floor entrance



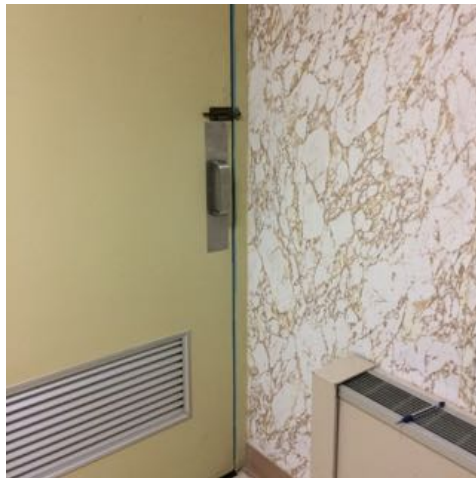
First floor vestibule clearances non-compliant & no power door opener



No lower section of counter at Parking and Public Health



No lower section at Bldg Department.; also door clearance not compliant



Pull-side toilet room door clearance non-compliant



Dispensers & shelf out of reach range, sink pipes not insulated, sink/faucets non-compliant



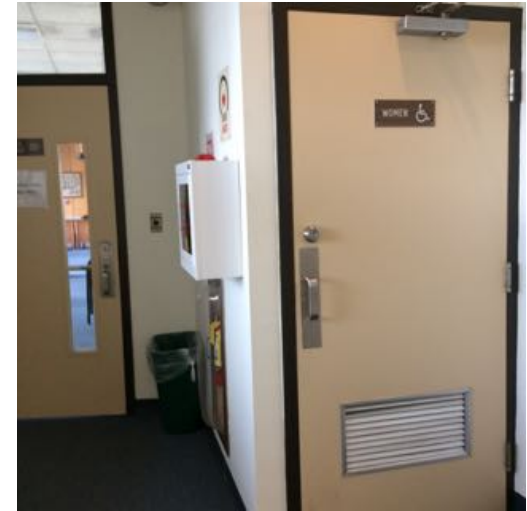
Toilet centerline exceeds 18", TP mounted above grab bar, no rear grab bar



Door swings into stall,
grab bars non-compliant



Sign at 2nd floor toilet rooms
indicates accessible, but non-compliant
sign on door



No cane detectable warning at
protruding wall mounted box, sign
mounted on restroom door

Memorial Hall

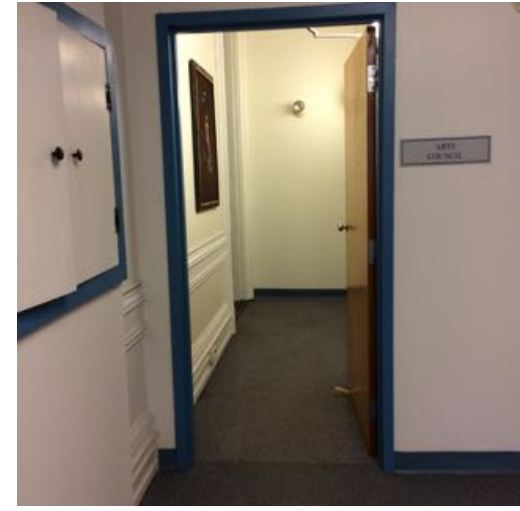
Parking	One parallel space provided (14' x 20'-6") no access aisle
Entrances	Accessible entry from Pulaski Park has no access signage
Vertical Circulation	Elevator provides access to all levels. Handrails on all stairs not compliant
Horizontal Circulation	Inadequate maneuver clearance in corridors and Arts office entrance No accessible transaction counters at Veteran's Office or Human Resources
Toilet Rooms	No public toilet rooms. No sign identifying location of nearest accessible toilet room.
Drinking Fountains	No accessible fountain
Signage	No access signage at entries.



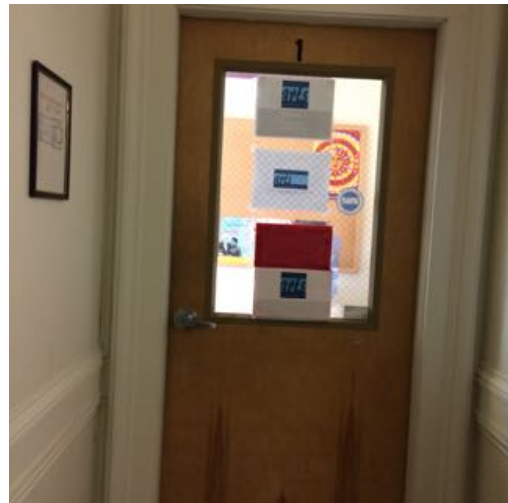
Furnishings impede clear floor space at elevator



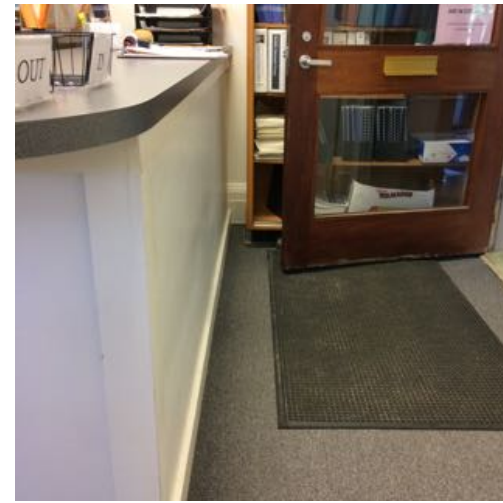
Handrails on stairs not compliant



Door clearances not compliant



Door clearances inadequate at Arts Council Office



No lower counter at Retirement Office



No lower counter at Human Resources

JFK Parks & Recreation

Includes: Parks & Recreation outdoor toilet room and the cafeteria, stage, gymnasium, aquatic center, and locker rooms

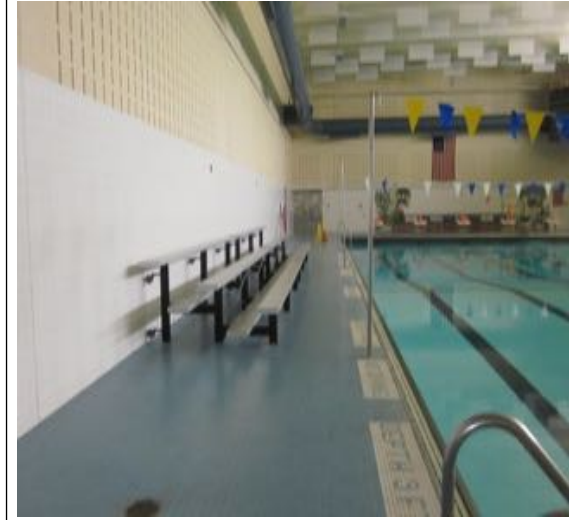
Parking	No accessible parking within 200 feet of Park & Rec, Ball Fields, or Aquatic Center
Entrances	Parks and Rec, school and Aquatic Center have accessible entrances.
Horizontal Circulation	Clutter in Conference Room, Corridor and Toilet Room impedes circulation in Parks & Rec building. JFK building generally compliant
Toilet Rooms	Outside toilet rooms: door exceeds 15lbs, insufficient maneuver space, towel dispenser protrudes; soap dispensers out of reach range, and non-compliant urinal Inside toilet rooms compliant except for toilet paper dispenser above grab bar. Locker rooms: inside flush at women's stall, noncompliant shower stalls; missing hardware on stall doors
Signage	Compliant signage needed at all toilet rooms.



Parks & Recreation Building



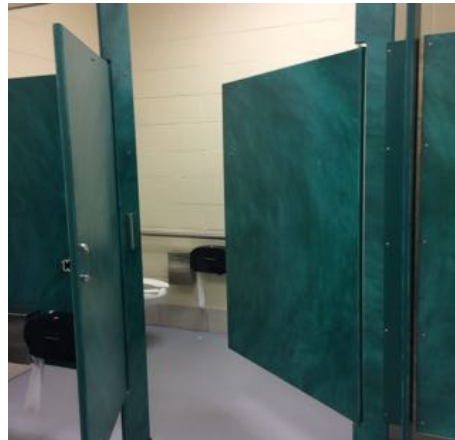
Outside toilet rooms: doors heavy, drinking fountain non-compliant; signage mounted on doors



No lift at swimming pool



Paper towel dispenser protrudes and is above maximum reach range



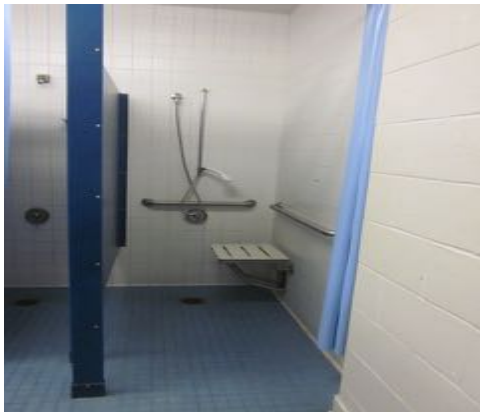
No pull hardware on either side of stall door



No pull hardware on either side of stall doors in locker rooms



No hook within reach of accessible stalls in locker rooms



Seat, grab bars & fixtures non-compliant; seat not padded and no towel hook



Inside flush at women's locker room stall

Smith Vocational – Emergency Shelter

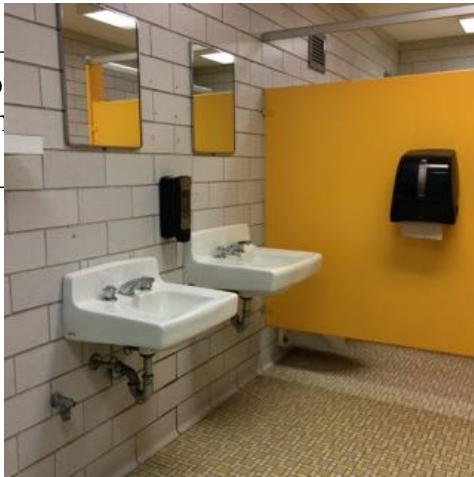
Entrances	Main entrance accessible, Gymnasium entrance accessible
Vertical Circulation	No ramp or lift to Cafeteria stage, stairs are non-compliant- open risers and noncompliant single handrail
Horizontal Circulation	Generally compliant. Floor mat edges creates tripping hazard
Toilet and Locker Rooms	Public toilet rooms by Gymnasium: Women’s room stall has no coat-hook, mirror not compliant Men’s room stall not compliant, sink pipes not insulated, dispensers out of reach and protrude Locker rooms and showers not compliant
Signage	Signs at toilet room entrances mounted on door faces



Stairs have non-compliant handrail and open risers, no access by ramp or lift



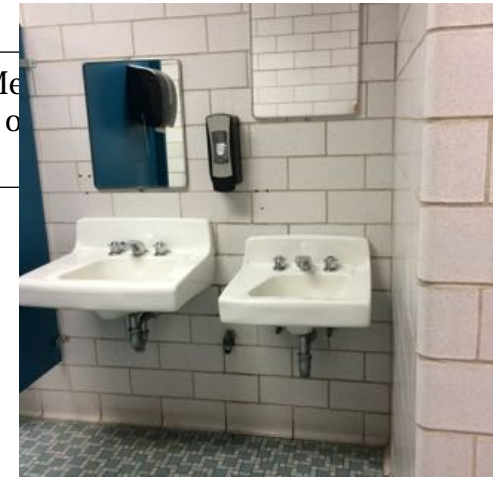
Reception/office counter has no lowered counter section



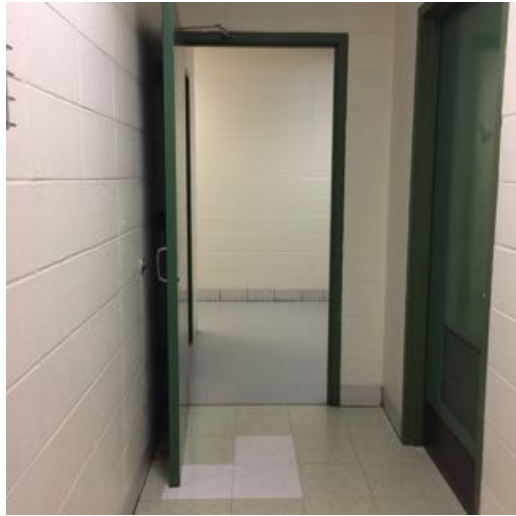
Women's



Men's



Men's



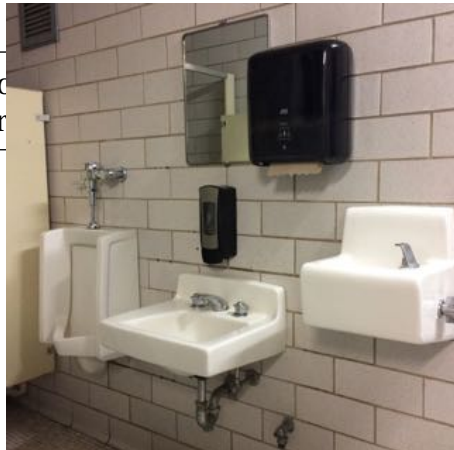
Girls' locker room: inadequate maneuver space at door



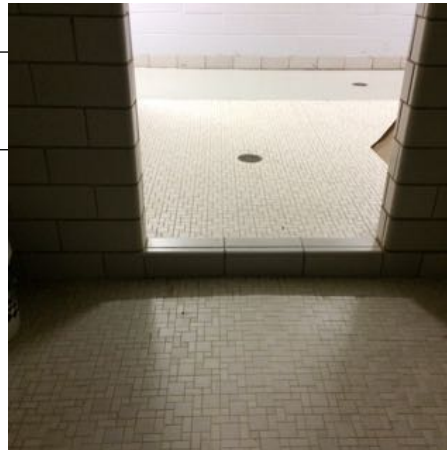
Sinks, dispensers, mirrors non-compliant at Girls' locker room



Non-compliant showers at Girls' locker room



Boys' locker room: mirrors, dispensers, urinals, sinks non-compliant



Northampton Parking Garage

Parking

Third level: 4 HP spaces range 7.4" - 8.6"; access aisles range 4.3" - 4.9" wide; no van accessible space; cross slope exceeds 2% (5% - 6.4%)

Vertical Circulation	Floor level designator only on one jamb.
Other Conditions	Pay station: Ticket/coin slot (4.2" & 4.10") exceeds reach range.

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APPENDIX C

**Preliminary Web Accessibility Reviews
City of Northampton Web Pages**

June 2018

Preliminary Web Accessibility Reviews of some of the City of Northampton Web pages were conducted by Rob Eveleigh during the week of June 10, 2018. The World Wide Web Consortium Web Accessibility Initiative (W3C WAI) "Easy Checks" guidelines were utilized for this preliminary review. W3C WAI Easy Checks - A First Review of Web Accessibility are used to assess the

accessibility of web pages to get an idea whether or not accessibility is addressed in the most basic way. These checks cover a short list of accessibility issues and are designed to be preliminary rather than definitive. As an additional step, some other common accessibility checks are included as “Additional comments”. A more robust evaluation is needed to evaluate all web accessibility components comprehensively.

Individual Web pages evaluated

1. Homepage – <http://www.northamptonma.gov>
2. City Council – <http://www.northamptonma.gov/1120/City-Council>
3. Mayor’s Office – <http://www.northamptonma.gov/720/Mayors-Office>
4. Disability Commission – <http://www.northamptonma.gov/1047/Disability-Commission>

Components of Easy Checks - <https://www.w3.org/WAI/test-evaluate/preliminary/>

1. Page title
2. Image text alternatives ("alt text")
3. Headings
4. Contrast ratio ("color contrast")
5. Resize text
6. Keyboard access and visual focus
7. Forms, labels, and errors
8. Moving, flashing, or blinking content
9. Multimedia (video, audio) alternatives
10. Basic structure check
11. Additional comments

The web accessibility reviewer utilized a combination of automated and manual checks. One should keep in mind that some manual evaluation components are subjective and include terms such as “adequate” and “descriptive”.

Automated and Manual Web Accessibility Testing Tools

1. WebAIM WAVE Chrome Extension (<http://wave.webaim.org/extension/>)

2. Web Developer Chrome Extension (<https://chrome.google.com/webstore/detail/web-developer/bfbameneiokkgbdmiekhjnmfkcnldhnm>)
3. Web Developer Toolbar, Firefox add-on (<https://addons.mozilla.org/en-US/firefox/addon/60>)
4. Paciello Colour Contrast Analyzer v2.2 (<http://www.paciellogroup.com/resources/contrast-analyser.html#download>)
5. JAWS for Windows Screen Reading Software v18 (<http://www.freedomscientific.com/products/fs/JAWS-product-page.asp>)
6. W3C Markup Validation Service (<https://validator.w3.org/>)
7. View page source

Homepage - <http://www.northamptonma.gov>

1. **Page title** (Does the title adequately and briefly describe the content of the page and distinguish the page from other web pages?)
 - The title “Northampton, MA - Official Website | Official Website” has redundant text
2. **Image text alternatives, "alt text"** (Does every image have appropriate alternative text?)
 - Some linked images are missing alt text (Pay Online, City Jobs, My Dashboard)
 - Some Alt text is not descriptive (for example, alt="Capture" (for photo of Mayor), alt="owl_250x450", alt="AcademyNight", alt="456120_10151488739070510_547682275_o")
 - The Alt text (alt="Click to Home") for the top banner (City of Northampton) could be more descriptive
 - The information communicated visually in the Spotlight flyer images should be made available in alternate/accessible text-based formats
3. **Headings** (Is the heading hierarchy meaningful? Is all text that looks like a heading marked up as a heading?)
 - H1 heading “Click to Home” could be more meaningful (City of Northampton Massachusetts)
 - Some heading level numbers are not meaningful (skipped levels)
 - “Latest Alerts” appears to be a heading but is not labeled such
4. **Contrast ratio, "color contrast"** (Does Web page have a minimum contrast ratio of at least 4.5:1 for normal-size text?)
 - Contrast errors detected (for example, “News” and “Meetings” tabs, “Read on” links, and “View All” links)

5. **Resize text** (Do the text components, buttons, form fields, and other controls disappear, truncate, or become unusable when zoomed?)

- This may not be an error, but the website design could benefit from the incorporation of Responsive Design and reflow principles so as to not require horizontal scrolling of content in high-zoom modes (such as 200%)

6. **Keyboard access and visual focus** (Does tab order follow logical reading order? Can one tab to and away from all the elements, including links, form fields, buttons, and media player controls? Is the focus clearly visible as one tabs through elements? Is all page functionality accessible with the keyboard?)

- Visual focus could be improved (currently thin dotted line cursor that is not easily visible on all elements)

7. **Forms** (Are forms labeled and keyboard accessible?)

- No form errors detected

8. **Moving, flashing, or blinking content** (Is there a way for the user to pause, stop, or hide moving, blinking, or scrolling information?)

- Carousel/slideshow cannot be paused with keyboard
- The blinking Water Ban icon cannot be paused

9. **Multimedia, video and audio alternatives** (Are media player controls labeled and keyboard accessible? Captions? Transcripts? Audio Description?)

- Not applicable

10. **Basic structure check** (Does the page information make sense when linearized [with style sheets (CSS) turned off]?)

- The Water Ban Alert may be better presented before the Skip to Main Content link
- A layout table is present. Tables are best used for data presentation only

11. **Additional comments**

- Some Link text is not descriptive and unique (for example, "Read on..." and "View All")
- The main navigation (green banner) near the top is keyboard accessible, however, logical screen-reader navigation is hindered by a lack of semantic structure rendered by screen readers as well as challenges associated with efficient exiting of menus
- HTML validation: 18 errors found while checking this document using Nu Html Checker

- There are 239 Accessible Rich Internet Applications (ARIA) roles, states, or properties on this page. ARIA provides enhanced semantics and accessibility for web content

City Council - <http://www.northamptonma.gov/1120/City-Council>

1. **Page title** (Does the title adequately and briefly describe the content of the page and distinguish the page from other web pages?)
 - The Title “City Council | Northampton, MA - Official Website” is adequate and brief
2. **Image text alternatives, "alt text"** (Does every image have appropriate alternative text?)
 - Some linked images are missing alt text (City Jobs, My Dashboard)
 - The Alt text (alt=“Click to Home”) for the top banner (City of Northampton) could be more descriptive
3. **Headings** (Is the heading hierarchy meaningful? Is all text that looks like a heading marked up as a heading?)
 - H1 heading “Click to Home” could be more meaningful (City of Northampton Massachusetts)
 - Some heading level numbers are not meaningful (skipped levels)
4. **Contrast ratio, "color contrast"** (Does webpage have a minimum contrast ratio of at least 4.5:1 for normal-size text?)
 - Contrast errors detected (for example, “About the Council” and “Contact Us” tabs, “Administrative Assistant to the City Council”, and breadcrumbs near the top of the page)
5. **Resize text** (Do the text components, buttons, form fields, and other controls disappear, truncate, or become unusable when zoomed?)
 - Perhaps not an error, but the website design could benefit from the incorporation of Responsive Design and reflow principles so as to not require horizontal scrolling of content in high-zoom modes (such as 200%)
6. **Keyboard access and visual focus** (Does tab order follow logical reading order? Can one tab to and away from all the elements, including links, form fields, buttons, and media player controls? Is the focus clearly visible as one tabs through elements? Is all page functionality accessible with the keyboard?)
 - Visual focus could be improved (currently thin dotted line cursor that is not easily visible on all elements)

7. **Forms** (Are forms labeled and keyboard accessible?)

- No form errors detected

8. **Moving, flashing, or blinking content** (Is there a way for the user to pause, stop, or hide moving, blinking, or scrolling information?)

- No moving, flashing, or blinking content errors detected

9. **Multimedia, video and audio alternatives** (Are media player controls labeled and keyboard accessible? Captions? Transcripts? Audio Description?)

- Not applicable

10. **Basic structure check** (Does the page information make sense when linearized [with style sheets (CSS) turned off]?)

- Council Meeting Schedule reading order is not chronological (not presented as a data table)
- Some table headers contain no text

11. **Additional comments**

- Some Link text is not descriptive and unique (for example, "HERE" and "More Information")
- The main navigation (green banner) near the top is keyboard accessible, however, logical screen-reader navigation is hindered by a lack of semantic structure rendered by screen readers as well as challenges associated with efficient exiting of menus
- Non-HTML content (PDF, MS Office, Flash) accessibility: An Adobe Acrobat Pro Accessibility Full Check of a linked PDF (18.001-Council Rules As Amended in City Council by O-18.016 on February 15, 2018) found 8 failed accessibility rules
- HTML validation: 22 errors found while checking this document using Nu Html Checker
- There are 225 ARIA roles, states, or properties on this page. ARIA provides enhanced semantics and accessibility for web content.

Mayor's Office - <http://www.northamptonma.gov/720/Mayors-Office>

1. **Page title** (Does the title adequately and briefly describes the content of the page and distinguishes the page from other webpages?)

- The Title "Mayor's Office | Northampton, MA - Official Website" is adequate and brief

2. **Image text alternatives "alt text"** (Does every image have appropriate alternative text?)
 - Alt text for image of David J. Narkewicz could be more descriptive (alt="Mayor")
 - Some linked images are missing alt text (City Jobs, My Dashboard)
 - The Alt text (alt="Click to Home") for the top banner (City of Northampton) could be more descriptive
3. **Headings** (Is the heading hierarchy meaningful? Is all text that looks like a heading marked up as a heading?)
 - H1 heading "Click to Home" could be more meaningful (City of Northampton Massachusetts)
 - Presence of more than one H1 (total of two H1's)
 - "Request a meeting" and "Staff" sections appear to be headings but are not labeled as such
4. **Contrast ratio, "color contrast"** (Does webpage have a minimum contrast ratio of at least 4.5:1 for normal-size text?)
 - Contrast errors detected (for example, "Contact the Mayor's Office", "Request a meeting", and breadcrumbs near the top of the page)
5. **Resize text** (Do the text components, buttons, form fields, and other controls disappear, truncate, or become unusable when zoomed?)
 - Perhaps not an error, but the website design could benefit from the incorporation of Responsive Design and reflow principles so as to not require horizontal scrolling of content in high-zoom modes (such as 200%)
6. **Keyboard access and visual focus** (Does tab order follow logical reading order? Can one tab to and away from all the elements, including links, form fields, buttons, and media player controls? Is the focus clearly visible as one tab through elements? Is all page functionality accessible with the keyboard?)
 - Visual focus could be improved (currently thin dotted line cursor that is not easily visible on all elements)
7. **Forms** (Are forms labeled and keyboard accessible?)
 - No form errors detected.
8. **Moving, flashing, or blinking content** (Is there a way for the user to pause, stop, or hide moving, blinking, or scrolling information?)
 - No moving, flashing, or blinking content errors detected

9. **Multimedia, video and audio alternatives**_(Are media player controls labeled and keyboard accessible? Captions? Transcripts? Audio Description?)

- Not applicable

10. **Basic structure check** (Does the page information make sense when linearized [with style sheets (CSS) turned off]?)

- A layout table is present. Tables are best used for data presentation only

11. **Additional comments**

- The main navigation near the top is keyboard accessible, however, logical screen-reader navigation is hindered by a lack of semantic structure rendered by screen readers as well as challenges associated with efficient exiting of menus.
- HTML validation: 14 errors found while checking this document using Nu Html Checker
- There are 241 ARIA roles, states, or properties on this page. ARIA provides enhanced semantics and accessibility for web content

Disability Commission <http://www.northamptonma.gov/1047/Disability-Commission>

1. **Page title** (Does the title adequately and briefly describes the content of the page and distinguishes the page from other webpages?)

- The title “Disability Commission | Northampton, MA - Official Website” is adequate and brief

2. **Image text alternatives, "alt text"** (Does every image have appropriate alternative text?)

- Some linked images are missing alt text (City Jobs, My Dashboard)
- The Alt text (alt=“Click to Home”) for the top banner (City of Northampton) could be more descriptive

3. **Headings** (Is the heading hierarchy meaningful? Is all text that looks like a heading marked up as a heading?)

- H1 heading “Click to Home” could be more meaningful (City of Northampton Massachusetts)
- Presence of more than one H1 (total of two H1’s)
- “Agenda & Minutes”, “About the Commission”, and “Links to Helpful Information” sections appear to be headings but are not labeled such

4. **Contrast ratio, "color contrast"** (Does webpage have a minimum contrast ratio of at least 4.5:1 for normal-size text?)
 - Contrast errors detected (for example, "Information from COD", "Contact Us, "Links to Helpful Information", "Braille Menu Locations", and breadcrumbs near the top of the page)

5. **Resize text** (Do the text components, buttons, form fields, and other controls disappear, truncate, or become unusable when zoomed?)
 - Perhaps not an error, but the website design could benefit from the incorporation of Responsive Design and reflow principles so as to not require horizontal scrolling of content in high-zoom modes (such as 200%)

6. **Keyboard access and visual focus** (Does tab order follow logical reading order? Can one tab to and away from all the elements, including links, form fields, buttons, and media player controls? Is the focus clearly visible as one tab through elements? Is all page functionality accessible with the keyboard?)
 - Visual focus could be improved (currently thin dotted line cursor that is not easily visible on all elements)

7. **Forms** (Are forms labeled and keyboard accessible?)
 - No form errors detected

8. **Moving, flashing, or blinking content** (Is there a way for the user to pause, stop, or hide moving, blinking, or scrolling information?)
 - No moving, flashing, or blinking content errors detected

9. **Multimedia, video and audio alternatives** (Are media player controls labeled and keyboard accessible? Captions? Transcripts? Audio Description?)
 - Some videos do not include accurate captions (captions are auto-generated)
 - Some videos have no captions

10. **Basic structure check** (Does the page information make sense when linearized [with style sheets (CSS) turned off]?)
 - Page information makes sense when read in the order it is shown

11. **Additional comments**

- The main navigation near the top is keyboard accessible, however, logical screen-reader navigation is hindered by a lack of semantic structure rendered by screen readers as well as challenges associated with efficient exiting of menus
- Non-HTML content (PDF, MS Office, Flash) accessibility: An Adobe Acrobat Pro Accessibility Full Check of a linked PDF (Disability Commission June 2014 Minutes) found three failed accessibility rules
- HTML validation: 16 errors found while checking this document using Nu Html Checker
- There are 239 ARIA roles, states, or properties on this page. ARIA provides enhanced semantics and accessibility for web content

Summary

This Preliminary Web Accessibility Review includes evaluation of four City of Northampton webpages. The review results indicate that web accessibility is being addressed in a conscientious way, but that some City of Northampton webpage components should be modified to improve accessibility. It should also be noted that the four webpages reviewed contain links to more webpages that were not included in this review, including some webpages that are not hosted on City of Northampton domains. The accessibility issues identified during the review are summarized below.

Navigation

Webpage navigation should be improved. Headings and subheadings help organize webpages so that they are easy to read and understand. Some webpages reviewed include more than one H1 heading, some heading level numbers that are not meaningful (skipped levels), and sections with no headings. Keyboard focus should be visible. Without a clear visual indication of one's current location on the page, keyboard users may have a difficult time navigating through page elements. Visual focus on the reviewed pages is currently a thin dotted line cursor and could be improved with a bolder and more obvious graphic. Carousels can be complex widgets with many parts. People may be distracted by movement or need more time to view content. The photo carousel animations included on the homepage are not able to be paused using a keyboard. Lastly, the main navigation near the top of each page is keyboard accessible, however, logical screen-reader navigation is hindered by a lack of semantic structure rendered by screen readers as well as challenges associated with efficient exiting of menus.

Labels and Descriptive Text

Descriptive text should be improved. Text alternatives ("Alt Text") convey the purpose of an image, and should be functional and provide an equivalent user experience. Some of the pages reviewed include some Alt Text that is not descriptive and some linked images that are missing Alt Text. Link text, which may be rendered out of context by assistive technologies, should clearly describe the destination or function of the link. Lastly, information communicated visually in the flyer images (such as the Spotlight flyers on the homepage) should be made available in alternate/accessible text-based formats.

Color Contrast

Color contrast of some text components should be improved. Adequate contrast (for example, dark text on light background or bright text on dark background) is required by some users with visual impairments. The pages reviewed all include some text that does not meet the contrast ratio threshold of 4.5:1.

Miscellaneous

Some additional accessibility issues were identified. Non-HTML content such as some Adobe Flash and PDFs can create accessibility barriers. A run of the Adobe Acrobat Pro Accessibility Full Checks of two linked PDF documents found failed accessibility rules. Some errors were also found while checking pages using W3C Markup Validation Service (<https://validator.w3.org/>) Valid HTML may be more likely to have reduced accessibility issues.

General Recommendations

The following general recommendations are presented as best practices for all website owners/entities to eliminate barriers that deny persons with disabilities access to programs, services, and activities offered on websites, and may impede communications with persons with disabilities:

- Adopt the W3C Web Content Accessibility Guidelines (WCAG) 2.1 level AA standards or its most recent update for all websites. (www.w3.org/TR/WCAG21/)
- Adopt policies and procedures to ensure that all new, newly added, or modified online content and functionality will be accessible to people with disabilities
- Conduct a thorough web accessibility assessment of existing online content and functionality. Consult, as relevant and appropriate, with individuals from the community who have disabilities or other unique positions (e.g., roles working with people with disabilities) that could help inform efforts to make appropriate web accessibility improvements
- Develop a corrective action plan to prioritize the removal of online barriers identified during the assessment
- Conduct web accessibility trainings for all personnel responsible for posting content to City of Northampton webpages

APPENDIX D

An Analysis of Policy Based on Self-Evaluation Documents and Interviews with Key Staff

Melissa Marshall

Disability Policy Consulting

June 2017

City of Northampton ADA Compliance Process

This product is the result of in-person interviews conducted throughout 2019 with the Police Chief, Deputy Fire Chief, Director of Public Health, Director of Human Resources, phone interview with Building Inspector, Director of Department of Public Works, and Librarian from the Forbes Library; attendance at a Disability Commission meeting (6/20/2019); conversations with members of the Disability Commission, and a review of Self Evaluation/Transition Plan documents from 1995 and 2010. The interviews and conversations were about the City's informal and written ADA compliance policies. This analysis looks at schools only in their use as emergency shelters.

Broad recommendations can be made from these conversations about the City's ADA compliance, but more detailed recommendations would come from a deeper analysis.

Findings

The Self-Evaluation and Transition Plan documents need to be updated and expanded with specific emphasis on the expanded role of technology since 2010 and to address areas that were not examined in earlier documents.

City-wide Compliance Issues and Strengths

Compliance Issues

- **The ADA/Section 504 Coordinator's role is not understood and their identity is not known.** Few of the Department heads interviewed knew who the City's ADA/Section 504 Coordinator is and they were unfamiliar with their role under Title II of the ADA. This was true even though department heads appear to be doing a good job with compliance efforts.

- While there is excellent collaboration among police, fire, public health, and other departments, there is no collaboration with the ADA/Section 504 Coordinator
 - There was no understanding of administrative action steps required under the ADA
 - There was little understanding of how to provide equally effective communication for people with hearing, speech, and visual disabilities as required under Title II
- **The ADA/Section 504 Coordinator position, which was previously combined with the Senior Center Director position, should be brought to the Office of Planning & Sustainability.**
- The newly designated position will be better suited to:
 - Coordinate bricks and mortar accessibility projects in conjunction with DPW and Building Commission
 - Provide necessary commitment to be effective
 - Acquire and administer grants
 - **Some ADA compliance policies have outdated information.** An absence of policy can leave staff unsure what to do in a situation where action may or may not be warranted to comply with the ADA. It also impairs the City's credibility even when it is attempting to comply. Adequate policy is a way for the City to communicate its intention to comply with the ADA to members of the public and employees. It also creates a road map for employees to comply with the ADA.
 - The City has a Notice of Nondiscrimination and an ADA Grievance Procedure that were adopted in 2017, that should be updated.
 - The City should create, distribute, and train its staff on the policies recommended in this report
 - In some instances, departments are complying with ADA obligations but do not have a policy to support them
 - There is no mechanism and no requirement for the documentation ADA compliance in many cases
 - **Administrative Action Steps that the City is required to take under the ADA are absent or inadequate and not well disseminated.** Under Title II of the ADA, the City is required to carry out five action steps. These are: appoint a responsible employee (ADA/ Section 504 Coordinator); post notice of its intent to comply with the ADA; adopt a grievance procedure; conduct a Self-Evaluation; develop a Transition Plan.

The City needs to:

- Adopt a statement giving notice of its intention to comply with the ADA that names the ADA/Section 504 Coordinator and provides their contact information, mirroring a model document. This document should be

posted on the website as well as physically throughout the City. This is known as the City's obligation to post notice under Title II of the ADA

- Revise its present grievance procedure to mirror a model and widely disseminate on the website and physically
 - Revise its Self-Evaluation to include employment policies and practices, general operations, equally effective communication and program and facilities accessibility
 - Revise its Transition Plan to include structural modifications that will be made, the date by which they will be completed and the employee responsible for its occurrence
-
- **The City's website is mostly accessible for people who use screen readers or who have low vision, but some problems were identified.** The website is the face of the City. It may be the first, or even only, contact potential residents and visitors have with the City. A website that is not screen reader compatible, sends a negative message about the value that the City places on people with disabilities, regardless of how welcoming of people with disabilities are individuals who work for the City,
 - Some elements on the City's website lack enough contrast with the background to be visible
 - The "Alt text" on some images is not detailed enough, which does not provide adequate information for people who use screen readers to understand the image completely

Strengths

- **Departments regularly collaborate with each other and appreciate the importance of complying with the ADA.** Staff that we spoke with are committed to making Northampton inclusive of people with disabilities
- **There are many areas of excellence in how the City provides services to people with disabilities and substance use issues**
- **Department heads were eager to have a round table discussion with other Department heads and the ADA/Section 504Coordinator about ADA compliance where they could share information and ideas**
- **Public Health initiated a conversation requesting disability awareness and sensitivity training for staff and businesses in the City.** Other departments, particularly the Forbes Library were open to the idea when asked.

Website/Social Media

The website has some non-compliance issues and needs to be revised by an individual who has expertise in building ADA compliant websites. Not all web developers have expertise in ADA compliance for websites.

Documents missing from website:

- A statement posting notice of the City's intent not to discriminate against people on basis of disability with the name and contact information for the ADA/Section 504 Coordinator
- A copy of the City's ADA Grievance procedure

Observations

- There is information about website accessibility with a link at the bottom of the page <http://www.northamptonma.gov/Site/Accessibility> . Users are guided to this page when they search under "accessibility" but not "ADA" or "disability"
- Photographs and graphics are not captioned
- There is no clear place to go to find out about disability issues, whether it is about policies or how to report a sidewalk that has not been shoveled. Note: There is a link on the winter storm page to report any sidewalks that are not shoveled. But it should be more visible as a disability related issue
- Hands only CPR video linked to City's emergency management page is not captioned <http://www.redcross.org/get-help/prepare-for-emergencies/be-red-cross-ready/hands-only-cpr>. The City's Facebook page does not appear to have descriptions of photographs
- The City's Twitter feed does not appear to have descriptions of photographs

Interviews with City Staff

Department: Human Resources

Staff interviewed: Glenda Stoddard, Director

The Director of Human Resources understands the City has an obligation to provide reasonable accommodation to employees with disabilities under Title I, the employment provision of the ADA and supports managers in providing it. She is not aware of having an opportunity to provide reasonable accommodation to applicants. We did not discuss the obligation to provide reasonable accommodation for work-related activities. She documents reasonable accommodation requests for the

municipality. While she is confident that the schools appropriately provide reasonable accommodation, she is concerned that they may not document reasonable accommodation requests and responses.

There is a lack of policy to support staff in implementing its Title I obligations.

The City should consider adopting the following types of policies regarding its Title I obligations:

- A written reasonable accommodation policy that is disseminated to all employees and applicants. This should include who an employee or applicant should make a request from; how and when an employee/applicant should document their disability; how to appeal or grieve a decision not to provide an accommodation or to provide one different from the one requested.
 - All staff and applicants should receive a copy of this policy
 - This policy should be on the City website
 - All staff should have training on the City's reasonable accommodation policy
- Policy regarding permissible and impermissible inquiries under Title I. This policy should delineate inquiries that are prohibited during the pre-conditional job offer phase and post conditional phase. The policy, with accompanying training, needs to be provided and disseminated to anyone involved in the hiring process. This should include City Council members who participate in interviews, even if they are asking assigned questions from a prepared list.
 - There is a general understanding about prohibited inquiries about gender, race, and protected classes other than disability. It is not clear that the staff person responsible has had up to date training in Title I generally or specifically about impermissible inquiries
 - HR, hiring managers and supervisory staff should have training in Title I that include permissible inquiries
- Job descriptions list essential but not marginal functions of jobs. In the sample of four job descriptions examined, it appears that some of the job functions listed as essential may be marginal at least in certain cases.
 - When job descriptions are reviewed this should be taken into consideration.

Department: Police

Staff interviewed: Jody Kasper, Police Chief

It appears that the Police Department is clear on its ADA obligations. It has had extensive training on recognizing and interacting with people with disabilities including people with mental health disabilities, autism, and people with substance use disorder. From the brief interview it is not clear that they know how to provide sign language interpreters.

Lt. Craig Kirouac is the mental health liaison and has been involved in securing a grant from the Commonwealth's DMH.

In recent years, there have been changes to the police response to make it focus on prevention, diversion, and de-escalation rather than solely on arrest.

The Police Department has extensive contact with many other City Departments. This could be arrest situations that they often collaborate with social services and other agencies to develop a holistic situation. The mental health liaison will, pull together a team of providers representing housing, clinical support, elderly and CDH when necessary. The Police Department also work with Corrections, the DA and probate court.

When the police PD arrests wheelchair users, it calls the Fire Department if the individual uses a power chair. If they use a manual chair they remove the person from the chair. The Police Chief did not have time to assemble all policies on very short notice. It should be determined if police policy for arresting wheelchair users and other police interaction comply with DOJ Guidance found at https://www.ada.gov/q&a_law.htm

Department: Fire Rescue

Staff interviewed: Jon Davine, Fire Chief and Emergency Management Coordinator

Primarily discussed emergency response and management. They are in the process of developing a plan for people with addiction issues who are sheltering.

Smith Voc. Tech is the emergency shelter for the City. He feels that it is accessible.

People are notified of an emergency through the Circle Red System (reverse 911), social media, and local radio station. It is unclear how accessible Circle Red is. Website and social media do not appear to be accessible to people that use screen readers. They also partner with Elder Care to notify elders about emergencies.

There is a TDD on the premises. Staff did not know how to contact an interpreter.

Shelters are run by the Red Cross, though this ultimately remains the City's obligation under Title II. Included in what the City needs to determine, is whether the Red Cross:

- Has accessible cots, with a height of 17"-19"
- Arranges cots with sufficient room for wheelchair passage
- Places cots for people with mobility disabilities against a wall
- Allows for people with mobility disabilities to be in an integrated area with their family members, and
- Has a stockpile of durable medical equipment, including Hoyer lifts

He was unsure if there were compliant cots or privacy screens, which are both required. There is no stockpile of durable medical equipment as required.

There are agreements with the PVRTA to provide transportation to people with disabilities. The videos on the website recruiting volunteers to Red Cross of Massachusetts and training in developing a 72-hour Emergency Plan are not captioned. The 72-hour plan video does not address any issues specific to disability.

They will be conducting a drill at UMass in the fall of 2019 and would like to include disability issues in the drill. Red Cross and MRC will also be involved. They will begin meetings for it in the next few weeks.

Department: Public Health

Staff interviewed: Merridith O'Leary, Director

Confirmed that shelter has no durable medical equipment or privacy screens but may have compliant cots.

There are "Read Me" books for people to express themselves through pictures. It is unclear if these are available at the shelters. They have a person-centered approach that they need to extend to people with disabilities. She requested awareness/sensitivity training for training for City Employees. She would also like training for department employees on business' obligations on service animals/therapy animals. They get lots of calls on this issue. We also discussed the need for both these types of training for businesses, maybe through a business association or the Chamber of Commerce.

There is an MOU with Walgreens to provide meds to people who are sheltering.

She requested a detailed version of my notes.

Department: Public Works

Staff interviewed: Donna LaScaleia, Director

When asked how to escalate a response to access to a construction area, she explained that in undertaking construction of a street all aspects of the infrastructure, including utilities and pavement must be taken into consideration. Sometimes it is simply not safe to allow pedestrians to traverse a construction area.

- A study of sidewalk accessibility to develop a comprehensive sidewalk inventory is being conducted by Alta. It utilizes a wheelchair with sensors to measure slope, cross slope and pavement deterioration and irregularities
- She does not know who would be responsible for installing a mirror to monitor traffic for a deaf person and suggested that I contact Linda Desmond.
- There is no policy per se to request a curb cut in one's neighborhood. An individual must request a driveway permit from the Building Commission to have a curb cut installed. She is not aware of anyone having done this and says that most people use their driveways to access the street or sidewalk.

Department: Building

Staff interviewed: Louis Hasbrouck, Building Commissioner (since retired)

The Building Commissioner is charged with enforcing Massachusetts Building Code standards, not the ADA. While there is overlap between when the two codes become applicable, there are some differences. He works with the Massachusetts Architectural Access Board (MAAAB) and is a candidate to be a member. He is committed to making building stock in the City compliant with the Commonwealth's requirements which often coincide with ADA requirements. He is not responsible for implementing the City's Transition Plan.

Department: Senior Center

Staff interviewed: Linda Desmond, Director (since retired)

The Senior Center regularly modifies policies and practices to accommodate people with disabilities. Examples include: showing movies with captions as a policy; offering chair as well as traditional yoga; regularly using the video relay service to communicate with Deaf and Hard of Hearing individuals and maintaining a list of certified sign language interpreters.

Note: *This is the only Department in the City that we researched that could engage sign language interpreters.*

The Senior Center also has two lift-equipped vans and has wheelchairs and walkers available on site.

Department: Forbes Library Time did not permit a discussion with Lilly Library staff.

Staff interviewed: Lisa Downing, Librarian

The Forbes Library regularly modifies policies and practices to provide access to people with disabilities. A few examples from our brief conversation include: pulling books and materials from upper stacks for people with mobility disabilities; extending due dates for people with learning disabilities; showing movies with captions on as policy; having a sensory story hour for children with autism; and allowing people with psychiatric and other disabilities who are homeless to use the library as a warming or cooling area. When necessary, they will work with patrons with mental health and other disabilities to obtain services. There is flexible policy around acceptable behavior as long as other patrons aren't disturbed.

Forbes Library is a leader in making modifications. It:

- Has an Advisory Board on disability issues
- Uses computers with screen reader software for members of the public
- Uses a computer screen enlargement tool, and
- Has a non-discrimination and accommodation policy
- Considers people with disabilities in making room arrangements

Department: Community Development

Staff Interviewed: Cam Leon (since retired), Community Development Block Grants Assistant Administrator

The Community Development office administers the Community Development Block Grant (CDBG) program from the Dept. of Housing and Urban Development (HUD). We discussed the process for an agency to apply for the Block Grant program, and how the office assesses the program and service accessibility. The application is available entirely online and questions can be answered by staff via email or phone. Cam was not aware of any previous requests for visual or audio accommodations during this process, but feels confident that the office could and would provide such assistance if requested. If an applicant wanted to access the program application in person, they would be able to access the office space through the accessible entrance and elevator in City Hall. The only barriers would be the water fountain and bathroom barriers identified in the City Hall accessibility survey.

The standard contract for contracted programs was reviewed and includes an ADA compliance clause, however it does not detail the specific housing requirements under Section 504.

The main recommendation from this interview is that the Community Development office should notify its contractors and grant applicants more explicitly of their responsibilities under Section 504. There is a 2009 HUD memo that would serve perfectly as an attachment to all grant applications. The physical requirements for rental units being rehabilitated could be added as a paragraph to the application or contract.

Community Development Block Grants are often disbursed in order to make housing and infrastructure more accessible to people with disabilities. Currently, the office has issued a grant to the Northampton Housing Authority to help them exceed Section 504 housing requirements. Additionally, the grant program is currently funding a citywide sidewalk wheelchair ramp improvement project in partnership with the Office of Planning and Sustainability.